



**MINUTES OF THE PUBLIC HEARING OF  
MONDAY, MARCH 21, 2016  
AT 200 HIGHLANDS BOULEVARD DRIVE  
REGARDING  
A SPECIAL USE PERMIT REQUEST  
REGARDING EQUIPMENT AT 948 CARMAN ROAD**

Mayor David L. Willson called the Public Hearing of the Board of Aldermen to order at 7:00 p.m.

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Baumann, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

The following notice of the public hearing was then read:

The City of Manchester Board of Aldermen shall hold a public hearing on Monday, March 21, 2016 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

A request for a Special Use Permit has been made by IHC Construction, LLC on behalf of Metro State Transportation to extend the existing chain link fence and construct new shelter for communication equipment at 948 Carman Road. The property is zoned R-2A Single Family Residential.

There being no representative at the meeting from IHC Construction, LLC, or Metro State Transportation, City Attorney Patrick R. Gunn stated the public hearing could be continued to the April 4 meeting.

Mayor Willson closed the public hearing at 7:05 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC  
City Clerk

***Note:** This is a journal of the Public Hearing held Monday, March 21, 2016 (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.*





**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING  
MONDAY, MARCH 21, 2016  
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:05 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Baumann, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

a. Minutes of the Regular Board of Aldermen meeting of Monday, March 7, 2016

Alderman Clement made the motion to approve the Minutes of the Regular Board of Aldermen meeting of Monday, March 7, 2016. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Ottenad postponed Agenda Item 10 (e) because the Board of Aldermen could not hold the public hearing under the circumstances, and it was continued to the next meeting.

Alderman Hamill made the motion to approve the Order of Items on the Agenda as amended. The motion was seconded by Alderman Clement and carried unanimously, with no objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Comments from the Public

Ms. Gail Howard, 3404 Charleston Place Court, Manchester, MO, appreciates the new stop sign that was placed on Dougherty Ferry Road. She said she lives near there and it has helped with slowing down traffic and providing more safety. She said last year there was a serious head-on accident, and in February, there was another accident at the senior center. She knows it will be a

change for drivers and may be annoying at first, but the overall caring for the community safety is the biggest concern.

Ms. Betty Caldwell, 3458 Charleston Place, Manchester, MO, thanked the City for the installation of the stop sign. She said she has witnessed instances there; there are accidents. She said she wanted to say “thank you” and wants the stop signs to be retained there.

Mr. Lee Presser, 1140 Big Bend Station Drive, Manchester, MO, spoke on behalf of the Big Bend Station Subdivision which includes Charleston Place. He said it has been a challenge to come out of the street, especially during higher traffic times of the day, because people have been going pretty fast. He said that the first stop sign drivers are going to see is past Charleston Place, before these new stop signs were put up. He said he looked at and agreed with the stop signs having been placed. Homeowners, for the most part, are very happy with the stop signs. One individual, however, said when he was coming home, he found himself at 5:30 p.m. stacked up with a number of cars. On the other hand, there have been accidents, and if this stop sign saves someone’s life or prevents someone from being injured; he is in favor of it. He expressed thanks to the City and Public Works Director for getting that taken care of. Mr. Presser said he hopes this will not turn into an issue for the City. He has heard there are some complaints.

6. REPORTS FROM THE MAYOR

a. Introduction of Boy Scout

Mayor Willson introduced Boy Scout William Chen from Troop 750 sponsored by Wren Hollow Elementary School. He is working on his “Citizenship in the Community” Merit Badge.

b. Presentation of Certification Award to City Clerk Ruth Baker

Mayor Willson presented City Clerk Ruth Baker her “Missouri Professional City Clerk” Certification Award. He explained that Ms. Baker has earned the highest certification award possible for a City Clerk through the Missouri State University and the Missouri City Clerks’ and Finance Officers’ Association.

c. Mayoral Report

Mayor Willson reported that he attended the Board of Adjustment dinner. There were interesting and complimentary comments from people about the stop sign.

Mayor Willson announced that three Parkway Schools made the list of “Top Ten Schools” in Missouri and Illinois, and they are Parkway West at number 6; Parkway Central at number 9, and Parkway South at number 10. That is a great accomplishment and feather in the cap of the Parkway School District.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of March 6 – March 19, 2016)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement stated that at the last meeting, there were six cases: a couple text amendments that will be coming to the Board, two Special Use Permit Requests and a couple site plan approvals. He said these issues will be in front of the Board at the first meeting in April.

b. Homecoming Committee

Alderman Ottenad announced that the next meeting will be May 11 at the Legion Hall at 6:30 p.m.

Alderman Baumann stated they are all interested in getting the community more involved.

c. Manchester Arts

Alderman Stevens said Manchester Arts is busy planning new events and getting things ready for the summer. The Art that is on display now is from the honor students of Parkway South.

Alderman Clement advised that the photography show will open Friday, April 1, and the opening reception is from 6:00 – 8:00 p.m. that evening.

Alderman Stevens said this is the fourth year of the photography show, and it has become an event for professionals, as well as all photographers, who want to be included. They are encouraging the young fifth graders and sixth graders to also submit entries and have the opportunity to win awards, too.

Alderman Clement said the number of entries per individual has been cut back, because last year, the event almost ran out of room. They are going to try this to control the growth. There is no other Manchester location to accommodate the show.

9. ACTION ON OLD BILLS

- a. There are none.

10. INTRODUCTION OF NEW BILLS

- a. BILL APPROVING CREATION FOR LAFAYETTE CENTER COMMUNITY IMPROVEMENT

Alderman Baumann introduced Bill # 16-2251, entitled: “AN ORDINANCE ESTABLISHING THE LAFAYETTE CENTER COMMUNITY IMPROVEMENT DISTRICT; DESIGNATING A PORTION OF THE CITY OF MANCHESTER, MISSOURI, AS A BLIGHTED AREA PURSUANT TO THE COMMUNITY IMPROVEMENT DISTRICT ACT, SECTIONS 67.1401 TO 67.1571 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED; APPROVING THE APPOINTMENT OF THE INITIAL BOARD OF DIRECTORS TO THE DISTRICT, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH”, by title only.

Ms. Shannon Creighton, Attorney with Gilmore and Bell, Special Counsel in creation with this Community Improvement District, summarized the first two Bills.

Ms. Creighton stated as discussed at the last meeting, Caplaco Six, Inc., an affiliate of Capitol Land Company, has requested the creation of a Community Improvement District (CID) in the Lafayette Center to finance certain costs of improvements, such as the façade, the parking lot, new signage and landscaping throughout the Center. The District would also finance a reimbursement to the City for approximately \$98,000 for costs expended several years ago for the repair of the eastern access bridge off Baxter Road. The project is expected to total approximately \$4.8 million. The first Ordinance will be to consider the creation of that District; it will approve the petition and establish the District as a separate political subdivision of the City, it will appoint the initial Board of Directors, and it will designate the District as a blighted area pursuant to the CID act. Under the CID Act, the District is allowed certain circumstances that can be financed. If blighted, the District can also undertake redevelopment activities of that area. The CID Act specifies what can be considered blight, which is included as an exhibit in the Board of Aldermen packet. She said that Peckham, Guyton, Albers and Viets, Inc., architects, examined the property and prepared a study, and they found conditions that would constitute blight in accordance with the CID Act.

Ms. Creighton stated the second Ordinance approves a Development Agreement among the City, the District and the Developer. While the petition provides a general framework on how the District will operate, the Development Agreement is a specific guideline on how the District will continue to be in existence. It is a working contract between the District, the City, and the Developer.

Mr. Creighton stated the District Project is broken up into two parts; the City portion and the Developer portion. The City's portion of this Project is the repair of the bridge which was undertaken several years ago and is complete. The Developer's portion has yet to be started and under the Agreement they have agreed to substantially have it completed by June 30, 2017. Dierbergs has indicated they would like this project to start immediately and be complete before the holiday season this fall; the June 30, 2017 date is just to allow for unforeseen events.

City Attorney Patrick Gunn informed that Dierbergs will also be making significant improvements to the interior of their store, which is not part of the CID package. He said they will be updating and modernizing their store as part of this renovation, so it should enhance the CID Project.

Ms. Creighton stated the next provision is how the project will be financed over the life of the District; under the agreement, the Developer intends to obtain a temporary construction loan to cover costs of the project. They will submit Certificate of Reimbursable Costs to the City staff to approve for reimbursement. Once construction is complete, the District will refinance that construction loan with a payout of probably 20 years. She stated that the City's reimbursement from the District should take place by November, 2016.

Ms. Creighton stated that while filing the creation of the District, a one percent (1%) sales tax will be imposed on the shopping center. The revenues generated from the tax will be used to pay the costs of operating the District and the remaining amounts will be used to pay down that debt as soon as possible. The District and sales tax can be in place up to 25 years. If the debt is paid off sooner, the District will dissolve and the tax will be repealed at that time. If the debt is not paid off, the note will be cancelled at that time. She stressed that this is not an obligation of the City; it is an

obligation of the District only, payable solely from that sales tax.

Ms. Creighton stated the District will be governed as a separate political subdivision with an independent Board of Directors made up of five representatives of the developer and the City, appointed by the Mayor with approval of Board. Each year, the District will be required to submit to the City a budget along with a report that provides their financial statements and activities. If the City incurs costs related to the administration of that District, the City may request reimbursement of those costs.

Ms. Creighton stated the Developer and District have agreed to fully indemnify the City in connection with any claim related to the creation of the District, the Development Agreement, the blight finding, and any activity other than the construction of the City's portion of the District Project.

City Attorney Gunn asked Ms. Creighton if in the Development Agreement the City is appointing, by approval of this Ordinance, the initial City representatives on the Board, and Ms. Creighton stated that is true. Attorney Gunn stated that the initial representatives for the City are shown to be City Administrator Hixson and Planning and Zoning Director Kennett.

Alderman Hamill said he wanted to make sure that the District does not include the new Joey B's Restaurant. In response, Attorney Gunn stated that Joey B's was not included, because it is located on the outlot.

Alderman Ottenad asked whether when talking about the blighted area and redevelopment, if that means any part of that area can be demolished and rebuilt.

Ms. Creighton answered that is not the case. She stated that under the CID Statute, the CID is created generally for public improvements, roads, parks, etc. She said redevelopment activities require a special finding by the City creating the District that allows CID to finance what would be deemed private improvements, but really it is a redevelopment of the area, a cleaning up of the blighting conditions in the area.

Alderman Clement commented that it had been mentioned the City could be reimbursed for administrative costs, and he wanted to know if her fees are part of what is being paid for.

Ms. Creighton stated her fees are covered by the Preliminary Funding Agreement which was approved by the City a few years ago. She said there were funds deposited by the developer with the City, so there are funds escrowed.

No further action required at this time.

b. BILL APPROVING DEVELOPMENT AGREEMENT FOR LAFAYETTE CENTER

Alderman Stevens introduced Bill # 16-2252, entitled: "AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF MANCHESTER, MISSOURI, THE LAFAYETTE CENTER COMMUNITY IMPROVEMENT DISTRICT AND CAPLACO SIX, INC., AND DIRECTING AND AUTHORIZING CITY OFFICIALS TO TAKE CERTAIN ACTIONS RELATED TO THE SAME," by title only.

No further action at this time.

c. **BILL AMENDING THE CODE OF ORDINANCES RELATING TO  
COMMERCIAL OUTDOOR COOKING**

City Attorney Gunn explained that it is an Ordinance that is related in part to the Lafayette Center. He stated this is a Bill that appeared on the Board's agenda some time ago that was read and deferred, and that was because the hoped-for progress had not taken place yet for the CID Ordinance. He said now that those are in place, the City is prepared to recommend this process be started.

Alderman Clement then introduced Bill # 16-2253, entitled: "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, MISSOURI, BY ADDING A NEW SECTION 215.155 RELATING TO OUTDOOR COMMERCIAL COOKING", by title only.

No further action required at this time.

d. **BILL AUTHORIZING RELEASE OF ESCROW DEPOSIT FOR TUSCAN  
VALLEY**

Alderman Hamill introduced Bill # 16-2254, entitled: "AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO RELEASE ALL FUNDS GUARANTEEING CERTAIN IMPROVEMENTS TO THE PROPERTY NOW KNOWN AS TUSCAN VALLEY CREEK SUBDIVISION AND ACCEPTING THE DEDICATION OF CERTAIN RIGHT-OF-WAY WITHIN TUSCAN VALLEY CREEK SUBDIVISION, ALL AS MORE SPECIFICALLY SHOWN ON EXHIBIT "A" ATTACHED HERETO," by title only.

City Attorney Gunn stated as they noted on page 115 of the Agenda Packet, all monies are being released, but the release is contingent on the developer re-depositing the sum of \$1,500 to cover landscaping for a period of one year.

Mr. Mike Lawless of Tuscan Valley Construction and CJM, LLC, asked if the City is looking for an additional \$1,500.

City Attorney Gunn answered that in the Ordinance, the release of the money is conditioned upon a \$1,500 deposit with the City, as a warranty, to cover the costs of landscaping for one year.

Mr. Lawless verified that they would be depositing \$1,500 more and they would be getting the release. He also verified that the City is accepting the right away, street and lights.

No further action at this time.

e. **BILL APPROVING SPECIAL USE PERMIT FOR FENCE EXTENSION  
AND NEW SHELTER AT 948 CARMAN ROAD**

This item was deferred to the next meeting.

11. **MISCELLANEOUS**



a. Comments from the Public

Alderman Rich Baumann introduced and invited everyone to Manchester's Trivia Night, which will be Saturday, April 23 at St. Joseph's School. He said that 2/3 of the money will go to Lafayette Industries and 1/3 will go to Police Officers to purchase gift cards to hand out to motorists doing good deeds on the road. He said the 50/50 raffle will be run by Old Trails Historical Society with benefits going to them.

Mr. Jerry Meyer, 620 Applecross Court, asked if Attorney Gunn and Mayor Willson would be sure to speak directly into the microphones when talking.

12. EXECUTIVE SESSION

- a. Closed Meeting pursuant to Section 610.021 (2) of the Revised Statutes of the State of Missouri pertaining to the lease, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Alderman Hamill made the motion to go into Closed Meeting pursuant to Section 610.021 (2) of the Revised Statutes of the State of Missouri pertaining to the lease, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Baumann – aye  
Alderman Ottenad – aye  
Alderman Clement – aye  
Alderman Stevens – aye  
Alderman Hamill – aye  
Alderman Diehl – aye

Mayor Willson announced the vote passed by a vote of 6 – 0.

13. ADJOURNMENT

At 8:05 p.m., after the Executive Session, there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Clement and carried unanimously, without objection. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC  
City Clerk

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